



COMMODITY FUTURES TRADING COMMISSION

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July 3, 2018

By ECF

The Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
New York, New York 11201

**Re: *Commodity Futures Trading Commission v. Patrick K. McDonnell and
CabbageTech, Corp. d/b/a Coin Drop Markets, No. 18-CV-00361 (JBW)(RLM)***

Dear Judge Weinstein:

I am a Senior Trial Attorney in the Division of Enforcement (the “Division”) of the Commodity Futures Trading Commission (the “Commission”) and represent the Commission in the captioned matter. The Court has scheduled an evidentiary hearing for a permanent injunction and other relief on July 9, 2018, at 10:30 A.M. *See* ECF 71. Pursuant to Court’s Order dated March 8, 2018, *see* ECF 33, the Division expects to call multiple witnesses to testify in person at the hearing. *Id.* (“The CFTC shall proceed, pursuant to the Federal Rules of Evidence, with sworn witnesses who shall be present or provided through depositions or video testimony.”). At least one out-of-state witness, however, is unable to testify in person but is available to testify by video. I write respectfully to formally request that the Court permit, as previously stated in the March 8 Order, video testimony in open court by contemporaneous transmission from a different location pursuant to Federal Rule of Civil Procedure 43(a).

Respectfully submitted,

/s/ Gates S. Hurand

Gates S. Hurand

cc: Patrick K. McDonnell (by ECF and electronic mail)